

Early Comments on the Proposed Rule for Substitution
Final Comments Due By April 22, 2002

During the American Commodity Distribution Association April 6-10 in Oklahoma City, it became apparent that a regulation change that has been proposed by the Food and Nutrition Service has created some confusion among our constituency. After considering the various comments of people from the conference, we agree that Food Distributions Division's (FDD) intent for the proposed rule could be easily misconstrued.

FDD has no intention of deleting a requirement that commercial foods substituted for donated foods be of U.S. origin. In the proposed rule at §250.30(f)(1)(i), FDD stated, "all components of commercial food substituted for any donated food must be identical or superior in every particular of the donated food specification."

Because all of the specifications for donated food purchased through Agriculture Marketing Service or through the Farm Service Agency have a domestic origin requirement we believe that "U.S origin" is not only implied but also required by the proposed rule change.

Since this particular proposed change did manage to create some confusion, FDD will be more specific when the proposed rule is submitted for final clearance and implementation. We will specifically include the domestic origin requirement.

At that time, we will also address the proposed change to §250.23, Buy American so there can be no confusion or interpretation of the intent of the regulation.

Written comments to the proposed regulation can still be sent to Suzanne Rigby. They must be received by the close of business on April 22, 2002. They will be accepted through one of the following methods.

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